S.B. CIVIL WRIT PETITION NO.7739/2007
Raj Kumari Siddhi Kumari & Ors.
VS
The Addl. District Judge No.2, Bikaner & Ors.

Date of order : 29.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. BK Vyas, for the petitioners.

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Heard learned counsel for the petitioners.

The petitioner is aggrieved against the order dated 5.11.2007 passed by the trial court on petitioners' application filed for appointment of Commissioner under Order 39 Rule 7 CPC in contempt proceedings.

Learned counsel for the petitioners submits that the Commissioner alone can go into the premises and give complete report as the non-petitioner-contemnors are going on with the construction activities despite injunction order.

After going through the reasons given by the trial court,I do not find that the court below has committed any illegality. The court found that the petitioners sought time for producing the evidence and, thereafter, submitted this application instead of producing the evidence. Otherwise also, the Commissioners are not appointed for making inquiry so that petitioner may feel strength nor

Commissioners are appointed for collecting the evidence.

In view of the above reason, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-